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JUN 08 2009

MAY 07 2009

OFFICE OF PETITIONS

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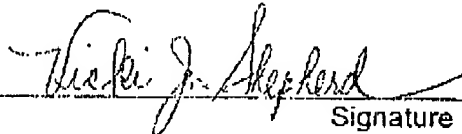
571-273-8300

U.S. Patent No. 6,408,979

Serial No. 09/525,365

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 05/07/2009
Date*remainder of
previous fax*
Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (CFR 1.378(b)), PTO/SB/65, consisting of five pages;
 2. PETITION TO EXPEDITE consisting of one sheet;
 3. DECLARATION OF VICKI J. SHEPHERD with Exhibits A-T, consisting of 26 pages;
 4. DECLARATION OF CAROLYN J. CAMPBELL WITH Exhibits A-F, consisting of 11 pages;
 5. DECLARATION OF MICHEL KHOURI WITH EXHIBIT I, consisting of four sheets
- all for U.S. Patent No. 6,408,979 issued June 25, 2002 (Serial No. 09/525,365, filed March 15, 2000).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

We also take this opportunity to remind you to promptly let us know if your status changes from "small" to "large" entity so that we may prepare the necessary forms for filing in the U.S. Patent and Trademark Office, as required. If you have licensed this Patent to a company having more than 500 employees - including all affiliates, we must have this information before payment of your current maintenance fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

- ☐ **YES**, please pay the current maintenance fee. My check for \$990 enclosed.
- ☐ **YES**, please pay this maintenance fee. However, small entity status no longer applies. My check for \$1,480 is enclosed.
- ☐ **NO**, please **DO NOT** pay this maintenance fee. I understand that by not paying the current fee, the patent will lapse and all rights will be lost.

Date: _____

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JUN 08 2009

OFFICE OF PETITIONS

EXHIBIT B

RE: United States Patent No.
Our File:

On we wrote to you regarding a maintenance fee that is required to be paid to the Patent Office with respect to the above patent.

To date we have not received your instructions and check to pay same.

Unless we have your check in our office on or before in the amount of \$, we will withdraw from further representation in this matter.

Please be advised that failure to pay this maintenance fee to the Patent Office will result in abandonment of your patent.

Sincerely,

USPTO
RECEIPTS ACCOUNTING
DIVISION

2009 MAY 22 PM 6:59

LAW OFFICES

STURM & FIX LLPS1E 1213
206 SIXTH AVENUE
DES MOINES IA 50309-4076TELEFAX (515) 288-4860
TELEPHONE (515) 288-9589RECEIVED
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MAY 07 2009

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EXHIBIT C

JUN 08 2009

January 25, 2006

Invoice: 25899

OFFICE OF PETITIONS

MAHLE TENNEX NORTH AMERICA
505 E MADISON
WINTERSET IA 50273In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise
Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent
No. 6,408,979 issued June 25, 2002
2-5127-013**Legal Services:

	<u>Amount</u>
1/31/2006 Review of docket and all written correspondence regarding deadline for current maintenance fee due; preparation and filing of all required documents and fees with the Patent Office; receipt, review, docketing and written correspondence regarding acknowledgement from Patent Office for payment of fee; review and docketing of next required maintenance fee. All follow up communications regarding necessity of paying maintenance fee before due date of December 5, 2005.	350.00
For professional services rendered	150.00
	<u>\$500.00</u>

Additional Charges:

1/31/2006 Patent Office fee - payment of first maintenance fee	450.00
Patent Office surcharge for late filing of first maintenance fee	65.00
Total costs	<u>\$515.00</u>
Total amount of this bill	<u>\$1,015.00</u>
Balance due	<u>\$1,015.00</u>

WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

WE APPRECIATE YOUR BUSINESS

LAW OFFICES
STURM & FIX LLPSTE 1213
200 SIXTH AVENUE
DES MOINES IA 50309-4076TELEFAX (515) 288-4860
TELEPHONE (515) 288-5589**EXHIBIT D**April 28, 2006
Invoice: 26502MAHLE TENNEX NORTH AMERICA
605 E MADISON
WINTERSSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 issued June 26, 2002 2-5127-013**

Additional Charges:

	<u>Amount</u>
4/28/2006 Patent Office fees (difference in small entity as billed 1/25/06 to large entity) \$450.00 additional for maintenance fee \$65.00 additional for late payment surcharge	515.00
Total costs	\$515.00
Previous balance	\$1,015.00
4/13/2006 Payment - thank you - invoice 25899 (1/26/2006). Check No. 63527	(\$1,015.00)
4/27/2006 Payment - thank you Check No. 65352	(\$1,015.00)
Total payments and adjustments	(\$2,030.00)
Credit balance	(\$500.00)

CREDIT BALANCE - DO NOT PAY

WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

WE APPRECIATE YOUR BUSINESS

4-
(2)
27)
16
177

EXHIBIT E

Urgent Global Docket

Through: 05/07/2009

Printed: 7/23/2009

Page 1

DATE ATTENTION

CURRENT EXT
EXT AVAILABLE

REFERENCE# TITLE MARK

CLIENT

RESCUE

ACTION

CURRENT
EXTEXT
AVAILABLE

June 2006

10 Sat RLF/mia/CJC

Storage Container

Sportsstuff, Inc.

(US) 11/01/0,001

STATUS CHECK

0

None

25 Sat MOS/mia/VJS

Knee Replacement Piles

HARLE-Part Filer Systems, Inc

(US) 6,406,979

1ST MAINT FEE DUE

1

None

July 2006

09 Thu WFF/mia/CJC

Improved Angularly Adjustable Traction Apparatus MOSS, Dr John

(US) 6,759,827

BROADENED REISSUE DL

0

None

23 Sun RLF/mia/CJC

AQUATIC FLOAT (Lotus)

Sportsstuff, Inc.

(US) 29/252,441

FOREIGN FILING DUE

0

None

29 Sun RLF/mia/CJC

Inflatable Floor (Trek-N-Tube 3)

Sportsstuff, Inc.

(US) 29/252,439

FOREIGN FILING DUE

0

None

23 Sun RLF/mia/VJS

E-Z CONSUMPTION METER

Easy Automation, Inc.

(US) 1,951,207

RENEWAL

1

None

27 Thu RLF/mia/CJC

Inflatable Snowman Globe

Sportsstuff, Inc.

(US) 29/222,252

STATUS CHECK

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Longitudinal

Sportsstuff, Inc.

(US) 29/227,807

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Longitudinal

Sportsstuff, Inc.

(US) 29/227,806

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Longitudinal

Sportsstuff, Inc.

(US) 29/227,826

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Transverse

Sportsstuff, Inc.

(US) 29/227,825

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Transverse

Sportsstuff, Inc.

(US) 29/227,824

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Single Transverse

Sportsstuff, Inc.

(US) 29/227,823

ISSUE FEE

0

None

28 Fri RLF/mia/CJC

Inflatable Canopy Lounge (Double Longitudinal

Sportsstuff, Inc.

(US) 29/227,821

ISSUE FEE

0

None

30 Sun WHW/mia/CJC

Multi-Layer/Knee Pad Construction

ALDRICH, Frederick

(US) 6,425,135

1ST MAINT FEE DUE

1

None

August 2006

01 Tue RLF/mia/CJC

Inflatable Towable Kite (D-Shape Double Skin)

Sportsstuff, Inc.

(US) 29/237,459

ISSUE FEE

0

None

01 Tue RLF/mia/CJC

Inflatable Aquatic Lounge

Sportsstuff, Inc.

(US) 29/243,821

ISSUE FEE

0

None

01 Tue RLF/mia/CJC

Inflatable Towable Water Kite

Sportsstuff, Inc.

(US) 29/244,912

ISSUE FEE

0

None

02 Wed RLF/mia/CJC

TUBE KITE

Sportsstuff, Inc.

(US) 78/576,356

FINAL REJECTION

0

None

02 Wed RLF/mia/CJC

TUBE KITE

Sportsstuff, Inc.

(US) 78/576,355

NOTICE OF APPEAL

0

None

03 Thu RLF/mia/CJC

TOW ROPE CADDY (small holes)

Sportsstuff, Inc.

(US) 29/210,191

ISSUE FEE

0

None

05 Sat MOS/MOS/VJS

DESIGN (FOOT LEVELERS)

Foot Levelers, Inc.

(US) 1,403,897

RENEWAL

0

1 Ext/6 Mnth

05 Sat MOS/MOS/VJS

LADY LEVELERS

Foot Levelers, Inc.

(US) 1,403,903

RENEWAL

0

1 Ext/6 Mnth

EXHIBIT F

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MAY 07 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **LARRY D. FORBES**
Serial No.: 09/525,365
Filed: March 15, 2000
Entitled: **NOISE ABATEMENT FILTER**

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OFFICE OF PETITIONS

PATENT No.: 6,408,979

Issued: June 25, 2002

ASSIGNEE: MAHLE PARR FILTER SYSTEMS INC.

DECLARATION

I, MICHEL KHOURI, declare:

1. My name is Michel Khouiri, and I reside in the city of Birmingham, State of Michigan.
2. I am Director of Product Development of Mahle, Industries Inc., AMAHLE@, owner of U.S. Patent No. 6,408,979.
3. MAHLE has for several years exclusively manufactured and sold a noise abatement filter for fuel tanks covered by U.S. Patent No. 6,408,979 to General Motors Corporation (hereinafter AGM®) which is or has been original equipment in GM automobile models GM C Acadia, Buick Enclave, Saturn Outlook, and Chevy Traverse. The part is, and has been supplied to GM through the tier-1 fuel systems and tank supplier, INERGY Automotive Systems (hereinafter "INERGY").
4. On or about April 28, 2009, I was contacted by Mr. Bob Walters, Sales Account Manager of MAHLE, that he had received an e-mail correspondence from Thomas Wright, Senior Buyer of INERGY informing him that GM had noticed that the U.S. Patent No. 6,408,979 was expired because the first maintenance fee had not been paid.
5. Mr. Wright of INERGY also told Mr. Walters from MAHLE in the e-mail correspondence of Paragraph 4 above, that because of GM's belief that the U.S. Patent No. 6,408,979 had expired, GM intended to source the noise abatement filter product to a supplier other than MAHLE. He further indicated that GM had identified a supplier that was able to produce this part at 28% less than MAHLE's current price and that GM had instructed INERGY to proceed with the transfer of the production tooling to the new supplier.

6. I was not aware that the maintenance fee for U.S. Patent No. 6,408,979 had not been paid until Mr. Walters of MAHLE forwarded to me, Mr. Wright's e-mail of INERGY's e-mail correspondence referred to Paragraphs 4 and 5 above.
7. Immediately after my receipt of the e-mail correspondence identified in Paragraph 6, I discussed this matter with Mr. John Feather, Director of Operations of MAHLE, Mr. Bob Walters, Sales Account Manager of MAHLE, and Mr. Tim Catchpole, Program Manager of MAHLE.
8. On April 29, 2009 I called Michael Sturm, a Registered Patent Attorney with Sturm and Fix LLP of Des Moines Iowa to discuss this matter and it was confirmed by Mr. Sturm and his Legal Assistant, Vicki Shepherd, that the first maintenance fee for U.S. Patent No. 6,408,979 had not been paid.
9. On April 29 and 30, 2009 I looked for documents in MAHLE's files and found **Exhibit A**, a letter sent to Sturm & Fix LLP (then Henderson & Sturm LLP) wherein MAHLE had given instructions dated December 12, 2005 to pay the maintenance fee.
10. On April 30, 2009 I sent an e-mail to Michael Sturm with this message:

AIn reference to the said patent, our records indicate that we have made payment to cover maintenance fees and associated late charges. Payment was made on 4/21/06 by check #95352, with a check encashment date of 5/3/06. (See attached file: Sturm 21900485722.tif)

Yet, it seems that the patent has expired. How do we know for sure that it has or has not? Did the patent office not process the maintenance fee?@
11. On May 1, 2009 Michael Sturm of Sturm & Fix LLP called me to confirm that the maintenance fee had inadvertently not been paid despite MAHLE's instructions to pay it, Mr. Sturm promising to prepare and file a Petition to Revive.
12. On May 6, 2009 Exhibit L, a letter from Thomas R. Wright of INERGY AUTOMOTIVE SYSTEMS to Bob Walters of MAHLE, was brought to my attention, this letter of Exhibit

I explaining the importance of U.S. Patent No. 6,408,979 to MAHLE and why MAHLE urgently needs to get this patent revived.

I further declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code



Michel Khouri

Dated: May 6, 2009

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OFFICE OF PETITIONS

EXHIBIT I

INERGY AUTOMOTIVE SYSTEMS
2710 Edgemoor Court 400, Troy, MI 48063
T: (248) 743-5700
F: (248) 726-1487
www.inergyaut.com/en-us



May 6, 2009

MAHLE
23030 Haggerty Rd.
Farmington Hills, MI 48335

ATTN: Mr. Bob Walters
Account Manager, Sales

Dear Mr. Walters,

I am writing in response to your letter dated May 5, 2009 regarding the Lambda Baffle re-source. This correspondence is to serve as a summary of events so far and INERGY's expectations moving forward.

On April 28, 2009, INERGY notified MAHLE of GM's intent to re-source the Lambda Baffle / PN 052110AB (please note that INERGY considers this date to be MAHLE's official notification of business transfer). At this time, INERGY also offered MAHLE a right of first refusal on this business or requested they proceed with providing the costs associated with an eight week bank. The requested due date for MAHLE's response was May 1, 2009.

On April 30, 2009, MAHLE responded by requesting OEM production forecast quantities and the exact volumes associated with an eight week bank build. Production releases from both Adrian and Anderson, which contained the requested information, were provided to MAHLE the same day. MAHLE again responded that INERGY needed to confirm the eight week bank quantities and additionally provide to them each plant's on hand Baffle quantities.

On May 4, 2009, each INERGY plant provided the requested eight week bank quantities, as well as the current on hand stock for the Baffle. At this time, INERGY again requested a response from MAHLE on price matching and / or their required bank costs. A request to begin preparations for a review of MAHLE's tools was also made.

On May 5, 2009, MAHLE officially responded that they have patent # 6,408,979 on the Lambda Baffle and that a supply agreement is in force between MAHLE and INERGY.

Today, INERGY confirmed that patent # 6,408,979 expired on June 25, 2006 due to failure to pay maintenance fees and hence, this patent cannot be used to further delay the transfer of the Baffle business. Please see the following link for verification: <http://www.uspto.gov/go/og/2006/week34/patexp1.htm>

Therefore, INERGY is again requesting a response from MAHLE on price matching and / or their required bank costs by 12:00PM Thursday, May 7, 2009. A meeting will be scheduled with INERGY, MAHLE and GM on Friday, May 8, 2009 to discuss next steps.

Thanks for your prompt response.

Sincerely,

Thomas R. Wright
Sr. Program Buyer

TRANSACTION REPORT

P. 01

MAY-07-2009 THU 11:01 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAY-07	10:52 AM	15712738300	9' 33"	38	SEND	MEM. FULL		

TOTAL : 9M 33S PAGES: 38

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PTO/SB/57 (04-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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571-273-8700

U.S. Patent No. 6,408,979

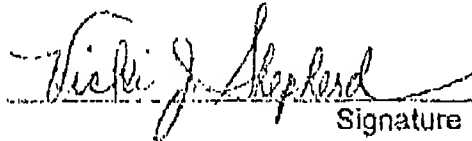
Serial No. 09/525,365

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 05/07/2009

Date



Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

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DIVISION CENTRAL FAX CENTER

2009 MAY 14 PM 3:10 MAY 07 2009

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0551-0018
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)
2-5127-013

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,408,979

Application Number: 09/525,365

Issue Date: 06/25/2002

Filing Date: 03/15/2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above identified patent:

- ☐ Is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of International application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

05/07/2009

Date

Vicki J. Shepherd
Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

05/21/2009 DALLIN 00000022 001650 6408979

01 FC:1599 1110.00 DA

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in practice) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/87 (04-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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571-273-8300

U.S. Patent No. 6,408,979

Serial No. 09/525,365

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

05/07/2009
on _____

Date


Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (CFR 1.378(b)), PTO/SB/65, consisting of five pages;
 2. PETITION TO EXPEDITE consisting of one sheet;
 3. DECLARATION OF VICKI J. SHEPHERD with Exhibits A-T, consisting of 26 pages;
 4. DECLARATION OF CAROLYN J. CAMPBELL with Exhibits A-F, consisting of 11 pages;
 5. DECLARATION OF MICHEL KHOURT WITH EXHIBIT I, consisting of four sheets
- all for U.S. Patent No. 6,408,979 issued June 25, 2002 (Serial No. 09/525,365, filed March 15, 2000).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the content of this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 07 2009

PTO/SB/05 (03-09)

Approved for use through 03/31/2012. OMB 0851-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(1) of \$ 130.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 130.00

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____☒ Please charge Deposit Account No. 08-1650 the sum of \$ 1,110.00☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 08-1650

(Page 2 of 4)

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MAY 07 2009

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0051-0016

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☐

Credit to Deposit Account No. _____

OR

☒

Send refund check

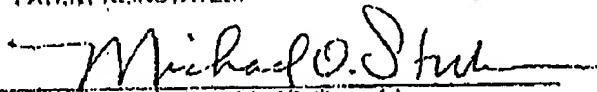
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

05/07/2009

Date

Michael O. Sturm

Typed or printed name(s)

26078

Registration Number, if applicable

206 6th Ave - Suite 1213

Address

515-288-9589

Telephone Number

Des. Moines, IA 50309-4076

Address

ENCLOSURES.

☒

Maintenance Fee Payment

☒

Statement why maintenance fee was not paid timely

☒

Surcharge under 37 CFR 1.20(l)(1) (fee for filing the maintenance fee petition)

☒

Other:

Petition to Expedite; Declarations with Exhibits

[Page 3 of 4]

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PTO/SB/69 (03-02)

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37 CFR 1.378(j) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Michael O. Sturm
Signature

05/07/2009

Date

Michael O. Sturm

Type or printed name

26078

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See attached sheet for Statement.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

STATEMENT (Page 4)

The attached Declarations of VICKI J. SHEPHERD, CAROLYN J. CAMPBELL, and MICHAEL KHOURI, along with the accompanying EXHIBITS for each Declaration, show that care was taken to ensure the timely payment of the first maintenance fee for U.S. Patent No. 6,408,979 and that non payment of the maintenance fee was unavoidable. Mahle did indeed make payment for the first maintenance fee, along with the government surcharge for filing within the grace period. Sturm & Fix LLP did have the matter on their docket, but through a series of mistakes did not timely pay the maintenance fee on behalf of Mahle. The patent became marked as ABANDONED in the Sturm & Fix LLP docketing system because of a series of unusual circumstances, especially rendering an invoice before payment by Mahle, and Mahle's payment of that invoice which zeroed out the accounts receivable report. Normally a credit would be showing in Sturm & Fix LLP's books and alert Sturm & Fix LLP that the maintenance fee payment had been made by the client. This credit showing would further alert the Sturm & Fix LLP staff that the required maintenance fee had not been paid to the Patent Office. Under the just mentioned scenario Sturm & Fix LLP's normal procedure would be to pay the maintenance fee, remove the client's payment from the trust account and issue an Invoice to the client showing payment of the maintenance fee to the Patent Office. But, as explained in the attached Declarations, in this case the normal scenario did not happen, so Sturm & Fix LLP was not alerted in the normal ways that the maintenance fee had been authorized, but not paid to the United States Patent and Trademark Office.

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Atty. Docket 2-5127-013

Customer No. 00803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: Larry D. FORBES, et al.

Assignee: MAHLE-Parr Filter Systems, Inc.

Patent No. 6,408,979

Serial No. 09/525,365

Issued: June 25, 2002

Filed: March 15, 2000

For: NOISE ABATEMENT FILTER

PETITION TO EXPEDITE

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the attached **PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))** be processed on an expedited basis.

The fee of \$400 for this Petition to Expedite is authorized to be charged to our Deposit Account No. 08-1650 maintained in the name of Sturm & Fix LLP. Any additional filing fees regarding this submission are also authorized to be charged to this account.

Respectfully submitted,

MAHLE-PARR FILTER SYSTEMS, INC.

05/07/2009
Date

By Michael O. Sturm
Michael O. Sturm
Reg. No. 26,078

STURM & FIX LLP
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U.S. PATENT NO. 6,408,979
Serial No. 09/525,365

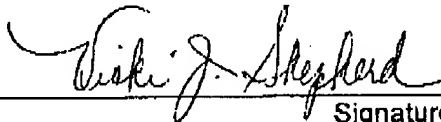
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OFFICE OF PETITIONS

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on June 25, 2010
Date

Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the SECOND MAINTENANCE FEE;
 2. NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE dated May 4, 2010;
 3. DECLARATION OF VICKI J. SHEPHERD dated June 25, 2010;
 4. COPY OF FIRST PETITION to accept unavoidably DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the FIRST MAINTENANCE FEE; and
 5. COPIES OF ALL DECLARATIONS AND ATTACHMENTS PREVIOUSLY FILED with regard to #4.
- Above, all for U.S. Patent No. 6,408,979, Serial No. 09/525,365.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SHEET 1